

# **EXHIBIT B**

**In the Matter Of:**

*FREEMAN v*

*DEEBS-ELKENANEY*

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*CAROLE CHASKI, PH.D.*

*September 28, 2023*

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UNITED DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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LYNNE FREEMAN, an individual,

Plaintiff,

VS. Civil Action No.  
1:22-cv-02435-LLS-SN

TRACY DEEBS-ELKENANEY P/K/A  
TRACY WOLFF, an individual,  
EMILY SYLVAN KIM, an individual,  
PROSPECT AGENCY, LLC, a New  
Jersey Limited Liability Company,  
ENTANGLED PUBLISHING, LLC, a  
Delaware Limited Liability  
Company, HOLTZBRINCK PUBLISHERS,  
LLC D/B/A MACMILLAN, a New York  
Limited Liability Company, and  
UNIVERSAL STUDIOS, LLC, a  
Delaware Limited Liability Company,

Defendants.

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REMOTE VIDEOTAPED DEPOSITION

OF

CAROLE E. CHASKI, Ph.D.

Thursday, September 28, 2023

Reported by:  
AYLETTE GONZALEZ, RPR, CLR, CCR  
JOB NO. 2023-911535

DATE: September 28, 2023

TIME: 12:00 p.m.

Remote videotaped deposition of  
CAROLE E. CHASKI, Ph.D., pursuant to  
NOTICE, before AYLETTE GONZALEZ, a  
Registered Professional Reporter, Certified  
LiveNote Reporter, Certified Court Reporter  
and Notary Public of the States of New  
York, New Jersey, Pennsylvania, Delaware  
and Texas.

R E M O T E    A P P E A R A N C E S :

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R E M O T E   A P P E A R A N C E S :

ALSO PRESENT:

JACOB FIGUEROA, Videographer

TRENT BAER

EMILY KIM

MARK PASSIN

1 DR. CHASKI (9/28/2023)

2 Freeman wrote?

3 A. No, I do not.

4 Q. If I told you it was more than  
5 50 versions, would you have any reason to  
6 dispute that?

7 A. I wouldn't. I wouldn't know  
8 anything about that.

9 Q. You just said, I believe, that  
10 you considered six different versions of  
11 BMR for your opinions in this case,  
12 correct?

13 A. Yes.

14 Q. How many of those six versions  
15 did you read cover to cover, the way you  
16 would read a novel for pleasure?

17 A. I didn't read any of them cover  
18 to cover, because I ran them through text  
19 analysis programs instead.

20 Q. Which specific books from Tracy  
21 Wolff's Crave series are at issue in this  
22 case?

23 A. To the best of my recollection,  
24 without looking at my report, Crave, Crush,  
25 Covet and Court.

1 DR. CHASKI (9/28/2023)

2 Q. Great job, you nailed it.

3 Did you read any of those four  
4 books cover to cover the way you would read  
5 a novel?

6 A. No. Could I say that as I was  
7 preparing the documents for textual  
8 analysis, I did read them, but I didn't  
9 read them as I would read a novel cover to  
10 cover. I read them for stray punctuation  
11 that would get in the way of textual  
12 processing, icons at the header,  
13 subchapters, that kind of thing.

14 Q. Thank you for clarifying.

15 So to be clear, as to both  
16 Lynne -- the various versions of Lynne  
17 Freeman's manuscripts, BMR and four Crave  
18 books at issue, you scanned them for things  
19 like punctuation and graphics, but you did  
20 not sit down and read them every word of  
21 them cover to cover the way you would read  
22 a novel, correct?

23 A. That's right. I read them as  
24 data.

25 Q. I just need to ask you a couple



1 DR. CHASKI (9/28/2023)

2 the works were created independently; do  
3 you understand that?

4 A. Yes.

5 Q. And my understanding is that is  
6 an issue that you are offering an opinion  
7 on, probative similarities?

8 A. Yes.

9 Q. As I just defined it?

10 A. Yes. I am offering statistical  
11 expectation with regard to similarities.

12 Q. There's a separate concept in  
13 copyright law called "substantial  
14 similarity"; are you familiar with that?

15 A. No.

16 Q. One definition of substantial  
17 similarity is that it addresses whether an  
18 average observer would find that the  
19 allegedly infringing work is substantially  
20 similar to the plaintiff's work; does that  
21 make sense?

22 A. Yes.

23 Q. My question is, is substantial  
24 similarity an issue that you are offering  
25 an opinion on?

1 DR. CHASKI (9/28/2023)

2 MR. DONIGER: I'm going to  
3 object as calling for speculation,  
4 lacking foundation, potentially  
5 calling for the mental impressions  
6 and opinions of counsel. As I noted  
7 yesterday, her testimony is what it  
8 is. The facts that she found are  
9 what they are, how we use those and  
10 what we argue out of them is  
11 attorney, you know, mental  
12 impressions and opinions.

13 If the witness knows how her  
14 testimony will be used based on  
15 conversations with counsel about  
16 their mental impressions and  
17 opinions, I'm going to instruct her  
18 not to answer. If she has some other  
19 basis to answer, she can go ahead.

20 A. I don't think my report  
21 addresses substantial similarity in terms  
22 of the -- of -- as I understand it now,  
23 Mr. Halperin, in terms of estimating how an  
24 average reader would read these books.

25 Q. Do you consider yourself to be

1 DR. CHASKI (9/28/2023)

2 A. No, I didn't count pages. I  
3 counted words.

4 Q. So how many words collectively  
5 are the Crave books?

6 A. About eight -- I have here 800  
7 on my Table 15 -- excuse me, Table 1 on 15,  
8 884,140 words.

9 Q. Approximately 884,000?

10 A. Right.

11 Q. And collectively, how many  
12 words in the six BMR versions that you  
13 looked at?

14 A. Approximately, 671,000.

15 Q. Okay. You're better at math  
16 than me, can you do the total?

17 A. About 1.5 million.

18 Q. Okay. Also in the Table 1 on  
19 page 16, it has a section called Baseline,  
20 and there are ten novels listed there,  
21 correct?

22 A. Yes.

23 Q. And those ten novels were  
24 written by authors other than Tracy Wolff  
25 or Lynne Freeman, correct?

1 DR. CHASKI (9/28/2023)

2 those ten novels as your comparator novels?

3 A. Yes.

4 Q. I might also use the term

5 baseline novel, but sometimes in my head, I

6 think comparator, sometimes I think

7 baseline, so can we agree that either of

8 those terms is okay to cover them today?

9 A. Certainly.

10 Q. Thank you.

11 Did you select the ten

12 comparator novels yourself?

13 A. No.

14 Q. Were they provided by

15 Mr. Doniger?

16 A. Yes.

17 Q. Do you believe that the ten

18 comparator novels constitute a

19 representative sample of the YA paranormal

20 romance genre?

21 A. Yes. We discussed the novels

22 and to the best of my recollection, they

23 were first of all published. Secondly,

24 they were well recognized. Several of them

25 won awards. Some of them were bestsellers.

1 DR. CHASKI (9/28/2023)

2 Several of them have been, you  
3 know, held up as good examples of this  
4 genre or forerunners in the genre. And so  
5 I do think they are a good representative,  
6 plus they constitute a little over a  
7 million words, so they are a good quantity.

8 A second issue that I discussed  
9 with Mr. Doniger is the fact that I wanted  
10 at least ten examples in a baseline set.  
11 And I do that because statistically, I know  
12 that we need to have at least that many  
13 examples of something for something  
14 eventually to become statistically  
15 significant if it is statistically  
16 significant.

17 Q. Would it be okay if we just  
18 went off the record for a second? The  
19 reason for this is I forgot to log into the  
20 realtime, which lets me see your realtime  
21 answers before the deposition and I just  
22 need to do that really quick.

23 MR. HALPERIN: Steve, any  
24 objection just to going off the  
25 record for like a minute so I can do

1 DR. CHASKI (9/28/2023)

2 that?

3 MR. DONIGER: That's fine.

4 MR. HALPERIN: Thanks.

5 THE VIDEOGRAPHER: The time is  
6 12:43 p.m. We're going off the  
7 record.

8 (Whereupon, at this time, a  
9 short break was taken.)

10 THE VIDEOGRAPHER: The time is  
11 12:44 p.m. We're back on the record.

12 BY MR. HALPERIN:

13 Q. Do you know what specific  
14 methodology Mr. Doniger used to select the  
15 ten comparator novels that he provided to  
16 you?

17 A. No. I know that they met the  
18 criteria that I wanted: quantity, quality  
19 and total amount of words.

20 Q. So is it correct that you  
21 provided Mr. Doniger with criteria that you  
22 wanted in a set of comparator novels and  
23 those criteria were quantity, quality and  
24 total amount of words?

25 A. Yes, I might not have said it

1 DR. CHASKI (9/28/2023)

2 of the six versions of BMR and all of the  
3 four books of Crave?

4 A. As well as the ten novels, the  
5 ten baseline novels, yes.

6 Q. Is quality of a novel something  
7 that can be objectively measured?

8 A. Probably. I've never  
9 operationalized the definition of it. I've  
10 relied more on external criteria like, you  
11 know, recognition in the community, how  
12 well did something sell, did it win any  
13 awards, that kind of thing.

14 Q. Do you know whether Mr. Doniger  
15 did a systematic analysis of all books in  
16 the YA paranormal romance genre to  
17 objectively determine that the ten baseline  
18 novels he gave you are the most  
19 representative?

20 A. Am I to answer that?

21 Q. Yeah, it was a question.

22 MR. DONIGER: Do you know?

23 A. I don't know. I know that the  
24 final result met the criteria that I would  
25 need for a fair and objective analysis.

1 DR. CHASKI (9/28/2023)

2 Q. If someone else were to attempt  
3 to choose the ten books from the YA  
4 paranormal romance genre that they thought  
5 were the most representative of that genre,  
6 do you think they would necessarily choose  
7 the same ten that Mr. Doniger provided to  
8 you?

9 MR. DONIGER: Objection. Calls  
10 for speculation. Lacks foundation.  
11 Incomplete hypothetical.

12 Q. You can answer.

13 A. I don't know, but I do know  
14 that if anyone suggested any other novels  
15 to me, I could apply my method and still --  
16 and use -- and use other novels as  
17 comparator novels, I'm not against that.

18 Q. But these are the only ten you  
19 used, correct?

20 A. Yes.

21 Q. You did not do any tests on any  
22 other comparator novels besides the ten  
23 that are listed in Table 1 of your report?

24 A. No. No.

25 Q. How many total books are there



1 DR. CHASKI (9/28/2023)

2 in the YA paranormal romance genre, to your  
3 knowledge?

4 A. I don't know.

5 MR. DONIGER: Objection. Calls  
6 for speculation. Lacks foundation.

7 A. I don't know because I'm not a  
8 bookseller.

9 Q. I'm sorry to go back to this.  
10 I just want to understand, because I  
11 thought you first said that you didn't read  
12 any of the works, including these ten  
13 comparator novels, the way you would read a  
14 book cover to cover for enjoyment, but then  
15 you said you did intensely look at every  
16 single word in the books as part of your  
17 methodology to assess the data; is that  
18 correct?

19 A. Yes. I earlier said I read  
20 them as data.

21 Q. Right.

22 A. And there is -- I have a degree  
23 in reading, in psychology of reading, so  
24 maybe I'm very sensitive to what you're  
25 asking me about, you know, the different

1 DR. CHASKI (9/28/2023)  
2 to get a feel for the plot or the story  
3 line or the characters or events that  
4 happened in the books?

5 A. That's incidental, but of  
6 course, it happens while you're reading  
7 something as data. You do pick up on some  
8 of the plots and characters and twist of  
9 the plots and that sort of thing.

10 I have to tell you it's been so  
11 long since that I've looked at these that I  
12 couldn't tell you, well, exactly what  
13 happens in The Vampire Academy, I couldn't  
14 tell you that right now.

15 Q. Fair to say you couldn't go  
16 through the ten comparator novels and give  
17 me a summary of the plot for each of them?

18 A. No, not at this time.

19 Q. Could you tell me how many of  
20 the comparator novels are set in Alaska?

21 A. I can look at my report and it  
22 will tell you how many times the word  
23 "Alaska" appears in these novels, the whole  
24 entire set.

25 Q. Where -- where is that in your

1 DR. CHASKI (9/28/2023)

2 report?

3 A. Let me look at my hardcopy.

4 It's easier for me to find it. On page 40  
5 of my report is a list of the keywords that  
6 I used. Alaska is the second one and that  
7 table summarizes a lot of the annex, which  
8 in your downloaded version starts on  
9 page 83, and page 84 shows the word  
10 "Alaska" and the average rate at which all  
11 the authors used this term, who used it  
12 more, who used it less is in the background  
13 material for this and this shows that the  
14 target author Lynne Freeman used 389 terms  
15 clustering with the keyword Alaska. Tracy  
16 Wolff had 184 terms clustering with the  
17 word "Alaska" and the -- Tracy Wolff's  
18 companion terms or words that clustered  
19 with Alaska had an overlap rate of 47.3  
20 with Lynne Freeman's. So that means that  
21 47 percent of Freeman's terms around the  
22 keyword Alaska were also in Tracy Wolff's  
23 words around the keyword Alaska.

24 You asked me what novels are  
25 set in Alaska. I know that Lynne Freeman's

1 DR. CHASKI (9/28/2023)  
2 are and at this time, I can't remember how  
3 much of the Crave series was actually set  
4 in Alaska. I'm sorry. I don't read these  
5 as literary and I don't remember them as  
6 literary documents.

7 Q. So you just pointed out the  
8 table on page 41 of your report and a page  
9 on the annex, which is PDF page 85 of your  
10 report. And I'm sorry, but I'm not seeing  
11 where either of those says how many times  
12 the word "Alaska" appeared in any of the  
13 comparator novels?

14 A. Yes, I think that was what I  
15 sent to Professor Coulthard. I think that  
16 list is in all the materials that I sent to  
17 Professor Coulthard.

18 Q. Sitting here today, do you know  
19 how many of the comparator novels mention  
20 the word "Alaska"?

21 A. May I look it up? I know I can  
22 find it.

23 Q. Sure.

24 A. Okay.

25 Q. Let me just stop. If this is

1 DR. CHASKI (9/28/2023)

2 short break was taken.)

3 THE VIDEOGRAPHER: The time is

4 1:42 p.m. We are back on the record.

5 BY MR. HALPERIN:

6 Q. Welcome back, Dr. Chaski. Just  
7 a quick housekeeping item I forgot to ask  
8 about before, could you please tell me how  
9 many total hours you spent preparing for  
10 today's deposition?

11 A. Oh, I would say about 15.

12 Q. Where we left off, I had asked  
13 you to look at paragraph 61 of your report,  
14 correct?

15 A. Yes.

16 Q. All right. And that paragraph  
17 reads, "A preliminary study of  
18 6-words-in-a-row segments in the TW and LF  
19 documents shows a large number of matches.  
20 I reviewed 700 matches that do not occur in  
21 the ten baseline documents." Was that  
22 correct?

23 A. Yes.

24 Q. Now, I understand from  
25 conversations with Mr. Doniger that you

1 DR. CHASKI (9/28/2023)  
2 have now withdrawn your analysis of those  
3 700 examples, correct?

4 MR. DONIGER: We're not --  
5 we're not going to be offering that  
6 at trial.

7 MR. HALPERIN: In trial also  
8 means summary judgment, correct?

9 MR. DONIGER: We're not going  
10 to be offering that part of her  
11 analysis as evidence in support of  
12 our claims.

13 MR. HALPERIN: Okay. Thank you  
14 for that.

15 Q. So I don't think we need to  
16 talk too much about this then. But I just  
17 wanted to confirm, you did not find those  
18 700 examples yourself, right?

19 A. I reviewed a study that was  
20 done by somebody else and then I ran my  
21 own, and as I mentioned in the report, I  
22 didn't finish my analysis of my own, but I  
23 trust that the original report I read, I  
24 know the software that was used is good  
25 software. I could tell by the results that

1 DR. CHASKI (9/28/2023)  
2 it was a scrub, no-punctuation version,  
3 that's a good thing to do, so I think it's  
4 trustworthy.

5 Q. Do you know who ran it?

6 A. No. Could have been Mr. Baer.  
7 It could have been somebody else.

8 Q. You just don't know either way?

9 A. I'm not sure, but I know that  
10 the -- Mr. Doniger and I discussed AntConc  
11 and I know that AntConc is good software.

12 Q. Can you just spell AntConc,  
13 please.

14 A. A-N-T-C-O-N-C.

15 Q. So whoever did this used  
16 software AntConc, but you don't know who it  
17 was who did it?

18 A. No, I'm assuming, I think it  
19 was Mr. Baer, Mr. Baer, but I didn't see  
20 him do it.

21 Q. Can we spell Baer please for  
22 the record.

23 A. B-A-E-R, I believe.

24 Q. And who is Mr. Baer?

25 A. I think he's been introduced

1 DR. CHASKI (9/28/2023)

2 could go to paragraph 81 of your report.

3 A. Okay. Okay.

4 Q. So in paragraph 81, you  
5 identified a phrase -- two phrases from  
6 2011 BMR and one from Tracy Wolff's Crave  
7 book. In the first one is the example from  
8 BMR and that reads, "I wanted the ground to  
9 just open up and swallow me," correct?

10 A. Yes.

11 Q. So that is not the same as "the  
12 ground to open up and swallow me," because  
13 it also includes the word "just," correct?

14 A. Yes.

15 Q. So it would be wrong to say  
16 based on what you write in paragraph 81,  
17 that both works contain the phrase, the  
18 exact phrase, "the ground to open up and  
19 swallow me," correct?

20 A. Right. I would see  
21 paragraph 81 as an example of mosaic  
22 plagiarism, and I'm assuming Dr. Juola saw  
23 it as an example of words in a row  
24 copy-paste plagiarism.

25 Q. Sitting here today, are you



1 DR. CHASKI (9/28/2023)  
2 aware of any evidence showing that Tracy  
3 Wolff copied a ten-word sequence from BMR?

4 A. Not in my -- I don't believe I  
5 have that in my report.

6 Q. Sitting here today, are you  
7 aware of any evidence that Tracy Wolff  
8 copied a single nine-word sequence from  
9 BMR?

10 A. I don't know because my focus  
11 was not on words in a row.

12 Q. Sitting here today, are you  
13 aware of any evidence that Tracy Wolff  
14 copied a single eight-word sequence from  
15 BMR?

16 A. Well, my examples are all about  
17 mosaic plagiarism so we're not going to  
18 find that in my report.

19 Q. And you're not aware of any  
20 other examples?

21 A. I wasn't looking for them.

22 Q. Have you seen any evidence that  
23 Tracy Wolff copied a whole paragraph from  
24 BMR in writing the Crave books?

25 A. No, I wasn't looking for that

1 DR. CHASKI (9/28/2023)

2 either.

3 Q. Have you seen any evidence that  
4 Tracy Wolff also copied a single complete  
5 sentence from BMR?

6 A. Word-for-word, you mean  
7 copy-paste?

8 Q. Yes.

9 A. No.

10 Q. So one thing you did focus on  
11 was mosaic plagiarism, correct?

12 A. Yes.

13 Q. What's mosaic plagiarism?

14 A. Mosaic plagiarism is where the  
15 source document is paraphrased using the  
16 standard syntactic techniques,  
17 substitution, insertion, deletion,  
18 permutation, so that the source material is  
19 transformed into mostly different syntactic  
20 structures, but says the same thing as the  
21 source.

22 Q. Explain to me what specifically  
23 step-by-step your methodology is for  
24 detecting mosaic plagiarism into novel  
25 length books.

DR. CHASKI (9/28/2023)

A. You basically create a concordance and from the concordance, you can look at -- what a concordance is each word in a document with the right context and the left context on either side of it. And you look for the same words in different documents and you study the context from the right or the left.

So for instance, in the example paragraph that you just had me look at, paragraph 81, if I use the concordance and looked at the word "ground," I would see that the right context for ground in Blue Moon Rising is "to just open up and swallow me." The right context in Crave is "to open up and swallow me." The left context in Blue Moon Rising is "I wanted the" and the left context in Crave is "I pray for the."

And given what we know about mosaic plagiarism that it deploys things like substitution, deletion, insertion, "I wanted" and "I prayed for" are synonymous phrases, so we have substitution of "pray

1 DR. CHASKI (9/28/2023)  
2 for" to substitute for "wanted" and "just"  
3 is an example of insertion between the "to"  
4 infinitive and the infinitive "open up."  
5 So "just" in the Blue Moon Rising was  
6 deleted in the Crave version.

7 Q. Can we go to paragraph 66 of  
8 your report, please.

9 A. Okay.

10 Q. Let me know when you're there.

11 A. Okay.

12 Q. So paragraph 66 reads, "Mosaic  
13 plagiarism can be detected using software  
14 that creates a concordance. A concordance  
15 is a list of all words in a document. For  
16 each word, its context to the left (before  
17 the word) and to the right (after the word)  
18 are provided. The window into the left and  
19 right contexts can sometimes be set, in  
20 different concordance software, to  
21 different lengths so that smaller or larger  
22 contexts can be examined."

23 And then I'm just going to go  
24 to the last sentence. "ALIAS TATTLER  
25 includes the ability to make concordance

1 DR. CHASKI (9/28/2023)  
2 with contexts from six to twelve words to  
3 the right and left of each word in a  
4 document."

5 A. Yes.

6 Q. Section of that paragraph that  
7 I read, did I read that correctly?

8 A. Yes.

9 Q. ALIAS TATTLER is your  
10 proprietary software?

11 A. Yes.

12 Q. Correct?

13 A. Yes.

14 Q. For your opinions in this case,  
15 did you run the versions of BMR and the  
16 Crave books through ALIAS TATTLER to create  
17 the sort of concordance that you discuss in  
18 paragraph 66?

19 A. Yes, but I only did that after  
20 I read Professor Coulthard's report.

21 Q. So the opinions in the expert  
22 report that we are discussing, that were  
23 disclosed in your expert report are not  
24 based on the concordance analysis that is  
25 described in paragraph 66, correct?

1 DR. CHASKI (9/28/2023)

2 A. Right, because you don't need  
3 to when you have examples that are already  
4 provided to you, you can see. I mean, I  
5 could have found a whole bunch more of  
6 examples but again, my focus was really not  
7 on copy-paste or mosaic, because I think  
8 we're dealing with very sophisticated  
9 authors here.

10 Q. So the whole explanation that  
11 you just gave about you can use a  
12 methodology to create concordances using  
13 software to detect mosaic plagiarism, that  
14 is not what you did for -- to find the  
15 examples of mosaic plagiarism that are  
16 identified in the expert report we are  
17 discussing, correct?

18 A. No, I used the examples that  
19 were given in the Complaint because I  
20 recognized them. Now, will I find them,  
21 are they in the concordance results; yes.  
22 I could certainly provide the concordance  
23 results.

24 Q. We'll get there if we have  
25 time.

1 DR. CHASKI (9/28/2023)

2 titles.

3 Q. Let's talk about the chapter  
4 titles. This is in Table 2A of your  
5 report, correct?

6 A. Yes.

7 Q. All right. And Column 1 of  
8 Table 2A contains Tracy Wolff's chapter  
9 titles?

10 A. Yes.

11 Q. And Column 2 contains  
12 Allusions, correct?

13 A. Yes.

14 Q. Lynne Freeman is not the person  
15 who created any of the Allusions in  
16 Column 2, correct?

17 A. No, I did.

18 Q. All right.

19 A. Do you remember when you asked  
20 me did I read these things? This is how  
21 closely I read them, that as I read even  
22 the chapter titles, I was thinking isn't  
23 this interesting. They're -- there's so  
24 many allusions going on. This is -- these  
25 -- this is the same linguistic manipulation

1 DR. CHASKI (9/28/2023)

2 that goes on in mosaic plagiarism:

3 permutation, substitution, insertion and  
4 deletion.

5 MR. HALPERIN: Move to strike  
6 that as non-responsive.

7 Q. I was saying, for example, the  
8 first allusion in Table 2A is Knight in  
9 Shining Armor, correct?

10 A. Yes.

11 Q. Lynne Freeman did not create  
12 the phrase Knight in Shining Armor to your  
13 knowledge, correct?

14 A. No. The point of an allusion  
15 is that everybody has to get the joke. So  
16 Knight in Shining Armor is a common idiom,  
17 especially related to romance themes. So  
18 Lynne Freeman didn't have to write that.

19 Q. All right. So all of the  
20 allusions in Table 2 are common idioms,  
21 would you say that?

22 A. Not all are idioms, but they're  
23 common phrases. An idiom has a specific  
24 meaning in linguistics, sir.

25 Q. So what you're trying to show



1 DR. CHASKI (9/28/2023)  
2 in Table 2 is that Tracy Wolff has the  
3 skillset to engage in mosaic plagiarism,  
4 not that she, in fact, did it here,  
5 correct?

6 A. I'm saying that she has the  
7 skillset. She's extremely skilled and she  
8 has a propensity to do it because if you go  
9 to the table after this table, I think I  
10 give, you know, how many times does she  
11 manipulate language in this way, paragraph  
12 71.

13 And you might be ready to ask  
14 me a question about this, I don't know, but  
15 she has a propensity to do it, and she's  
16 very good at it, whereas when you look at  
17 the baseline authors, they're not, and  
18 doesn't do it either. It's an interesting  
19 observation that she definitely knows how  
20 to do mosaic plagiarism.

21 Q. What's a pun, Dr. Chaski?

22 A. A pun is usually where a word  
23 is used with different meanings. One word  
24 can take on different meanings in one  
25 context, it can be semantic or syntactic.

1 DR. CHASKI (9/28/2023)  
2 indicator of Tracy Wolff's distinctive  
3 style.

4 Q. Let's look at the examples,  
5 specific examples in mosaic plagiarism in  
6 your report. Those are in paragraphs 78  
7 through 87, correct?

8 A. Yes.

9 Q. Now, you did not find these  
10 specific examples yourself using your  
11 program ALIAS TATTLER, correct?

12 A. That's right. I'd be happy to  
13 do it. I've run the concordance now. I've  
14 run the concordance now, but I didn't do it  
15 at the time for this report.

16 I recognize mosaic plagiarism  
17 in the Complaint. These examples would be  
18 known as mosaic plagiarism.

19 Q. So these are taken from the  
20 allegations in Plaintiff's Complaint,  
21 correct?

22 A. Yes.

23 Q. Are you -- I believe before you  
24 mentioned a concept called ground truth  
25 data?

1 DR. CHASKI (9/28/2023)

2 A. Yes.

3 Q. What is ground truth data?

4 A. Ground truth data is -- in this  
5 case, it's really our baseline novels  
6 because it's -- it's data where we know  
7 something about the important issue.

8 So in this issue, in this case,  
9 our ground truths are our baseline because  
10 we know that they were written before  
11 Freeman and Wolff, so they could be  
12 plagiarizing either one of them.

13 We have ground truth in the  
14 Freeman documents. We know she authored  
15 them. We have ground truth in the Wolff  
16 documents. We know -- we have no reason to  
17 disbelieve that Wolff authored them.

18 Q. Would a case of known  
19 plagiarism be an example of ground truth  
20 data for a plagiarism analysis?

21 A. Yes. Yes. I mean if you --  
22 this is what John Olsson does in his books,  
23 you know, he presents those three cases of  
24 known plagiarism and shows how mosaic  
25 plagiarism -- this is in the 2008 book, how

1 DR. CHASKI (9/28/2023)

2 mosaic plagiarism is performed in these  
3 three known cases.

4 Q. Are the allegations in Lynne  
5 Freeman's Complaint an example of ground  
6 truth data?

7 MR. DONIGER: Objection. Vague  
8 and ambiguous as phrased.

9 A. Yeah, I don't -- the  
10 allegations are not data.

11 Q. Do you understand that Lynne  
12 Freeman's Complaint contains unproven  
13 allegations?

14 MR. DONIGER: Vague and  
15 ambiguous as to unproven. Vague and  
16 ambiguous.

17 A. For me, a Complaint contained  
18 data, okay. And it was up to me as a  
19 linguist to understand, well, what does  
20 that data mean, and is any of that data  
21 really worth considering.

22 Now, when I read these examples  
23 out of the Complaint, I recognized them for  
24 what they are, mosaic plagiarism.

25 Q. So do all the examples in

1 DR. CHASKI (9/28/2023)

2 decent response."

3 Did I read that correctly?

4 A. Uh-hmm.

5 Q. What does "... " mean in that  
6 example?

7 A. That's an ellipsis.

8 Q. So does that mean that text was  
9 removed by whoever did this quote?

10 A. Yes.

11 Q. So look at paragraph 42(a)(11)  
12 of the First Amended Complaint, and that's  
13 on the bottom of page 36.

14 A. Okay. I'm getting there.  
15 Could you give me the paragraph again.

16 Q. Yeah, 42(a)(11).

17 A. Okay.

18 Q. Bottom of page 36. Are you  
19 there?

20 A. I'm almost there.

21 Q. No worries. Let me know when  
22 you're there.

23 A. Yes.

24 Q. So -- so you didn't actually  
25 take this one exactly from the Complaint,

1 DR. CHASKI (9/28/2023)  
2 because it looks like in the Crave example,  
3 you removed the words "stunned" -- you  
4 removed the word "stunned" and you  
5 capitalized "his," correct?

6 A. Yes.

7 Q. So you actually removed a word  
8 from whoever put this together for the  
9 Complaint, you removed a word when you took  
10 the example and put it in your expert  
11 report, right?

12 A. Right.

13 Q. By the way, do you know who  
14 specifically found these examples of  
15 alleged mosaic plagiarism in the First  
16 Amended Complaint?

17 A. No.

18 Q. Do you know if it was Lynne  
19 Freeman herself?

20 A. No, I don't know who authored  
21 this -- this Complaint.

22 Q. Do you know if it was Trent  
23 Baer?

24 A. No, I don't.

25 Q. It could have been one of the

1 DR. CHASKI (9/28/2023)

2 lawyers, right?

3 A. Right, or it could have been, I  
4 don't know who.

5 Q. Do you know specifically what  
6 methodology whoever found these alleged  
7 examples of mosaic plagiarism used to find  
8 them?

9 A. I think they probably used the  
10 way, you know -- I think a linguist would  
11 have done a concordance, okay, but I think  
12 that most readers would have simply been  
13 reading and taking notes.

14 Q. But you don't know for certain  
15 what methodology was --

16 A. Right. Right.

17 Q. Let's look at --

18 A. And -- and the issue is what's  
19 in yellow in the Complaint.

20 Q. Let's look at example -- so  
21 example in your paragraph number 84.

22 A. Okay.

23 Q. Look at that in your report  
24 first. So the one at paragraph 84(a) reads  
25 "The coppery tang of blood fills my mouth."

1 DR. CHASKI (9/28/2023)

2 A. Well, they definitely refer to  
3 Stonehenge and they definitely refer to a  
4 version of it that is not the real one.

5 Q. Would seeing additional context  
6 for this or any of your other examples help  
7 determine whether there really was mosaic  
8 plagiarism taking place?

9 A. No, I don't need the context to  
10 explain mosaic plagiarism. I only need the  
11 paraphrastic techniques, where two  
12 statements can be related to one another  
13 using these paraphrastic techniques.

14 Q. Your analysis -- your  
15 methodology for mosaic plagiarism does not  
16 consider the context; it only considers the  
17 paraphrastic techniques, correct?

18 A. Right, yes.

19 Q. Would you like to see some of  
20 the context for some of these examples or  
21 you're just not interested in it?

22 A. I'm really not interested in  
23 it, because I think the most important  
24 contribution is the conceptual plagiarism,  
25 and the fact that that's a standardized



1 DR. CHASKI (9/28/2023)  
2 my team assembled for this deposition and  
3 what --

4 MR. DONIGER: Ben, sorry,  
5 similar to yesterday, are we -- are  
6 these going to be exhibits to -- I  
7 remember yesterday about halfway  
8 through the depo, you marked them as  
9 1, 2, 3, and made sure they were so  
10 marked. Are we doing the same thing  
11 here?

12 MR. HALPERIN: Yeah. Can we  
13 call this one Chaski -- Chaski 4,  
14 Chaski Exhibit 4, and the previous  
15 ones Chaski 3, 2, 1 in reverse order  
16 from when they came in.

17 MR. DONIGER: Thanks.

18 Q. So this takes a few of your  
19 examples of mosaic plagiarism from the  
20 Complaint and then finds these in the works  
21 at issue and looks at what the works really  
22 say.

23 A. Um-hmm.

24 Q. You didn't do this sort of  
25 analysis when looking at these examples of

1 DR. CHASKI (9/28/2023)  
2 mosaic plagiarism for your Complaint,  
3 correct?

4 A. I don't believe I did.

5 Q. Let's look at the first one on  
6 -- this is from paragraph 85.

7 A. Yes. Wait a minute. Hold on.  
8 I might have made a comment in my report  
9 about this, because this brings up the  
10 really interesting phenomenon that both  
11 Olsson and Coulthard discussed, and that is  
12 that typically in sophisticated plagiarism,  
13 the context is not the same because  
14 plagiarists like to add a lot of stuff.

15 You know, it's a forest and the  
16 trees issues. So if -- if I just have two  
17 trees standing there and gee, you know,  
18 here's a maple and here's a maple, but if I  
19 suddenly surround them with oaks and pines  
20 and all kinds of other trees, then suddenly  
21 those two maples are no longer easy to  
22 spot. And Olsson refers to this as padding  
23 and purple pros, how the length of a  
24 plagiarized document is often much longer  
25 than the source document.

1 DR. CHASKI (9/28/2023)  
2 context and will put a whole lot of forest  
3 in, will pad, will -- because you know,  
4 that's what you do, you try to hide the  
5 source. Even Malcolm Coulthard said that,  
6 that the plagiarist is trying to hide the  
7 source.

8 Q. So fair to say that for all ten  
9 examples of mosaic plagiarism in your  
10 report, you did not go back and look at the  
11 full scenes to see the context for each of  
12 those examples?

13 A. No. As I complained in my  
14 report, examples of mosaic plagiarism are  
15 localized.

16 Q. And you say in paragraph 88 of  
17 your report, "There are many more examples  
18 of mosaic plagiarism provided in the  
19 Complaint," you see that?

20 A. Yes.

21 Q. And did you for any of the  
22 examples of mosaic plagiarism provided in  
23 the Complaint, go back and look at the  
24 context in which the examples are used in  
25 the actual books?

1 DR. CHASKI (9/28/2023)

2 A. No, because mosaic plagiarism  
3 is localized. It's a basically --  
4 paraphrasing is a localized function.

5 Q. You did not conduct any sort of  
6 statistical analysis when it comes to  
7 mosaic plagiarism, correct?

8 A. No, did not, that's right.

9 Q. If you go to the remainder of  
10 my exhibit, this has the contents from your  
11 paragraphs 90 through 97 laid out  
12 side-by-side. And I know you asked me  
13 before, so I'll answer now, and the answer  
14 is yes, I do know which works paragraphs 90  
15 through 93 come from and which works  
16 paragraphs 94 through 97 come from.

17 The answer is 90 through 93  
18 come from the Tracy Wolff work and 94  
19 through 97 come from the Freeman work  
20 Masqued.

21 And I would just ask you to go  
22 verify that by doing a quick read of this.  
23 Let me know when you've been able to find  
24 any of these phrases on either side of  
25 this?

1 DR. CHASKI (9/28/2023)  
2 don't know what else to say, go ahead,  
3 because I'm afraid you think I'm not  
4 responsive when I try to explain myself so  
5 I'm kind of hesitant now.

6 Q. Okay. Why don't we just keep  
7 moving and we're both doing our jobs and  
8 we'll just try to keep working through it  
9 and I'm sure Steve will jump in if I do  
10 anything out of bounds.

11 Okay. Did you do any analysis  
12 of whether Tracy Wolff and Lynne Freeman  
13 expressed the ideas that you believe were  
14 stolen in similar or different ways?

15 A. Yes, that's the whole point of  
16 the keyword cluster analysis is we look to  
17 see whether a keyword has the same  
18 companion words or cluster of words around  
19 it or are those clusters different.

20 So the method is not built to  
21 just find similarity. It can find  
22 difference as well as similarity.

23 Q. But so does your analysis of  
24 the lexical clusters, you're telling me  
25 that is the portion of your methodology

1 DR. CHASKI (9/28/2023)  
2 that addresses how the two authors  
3 expressed the ideas and concepts you were  
4 investigating?

5 A. Yes. See -- may I give an  
6 example?

7 Q. Sure.

8 A. That everyone immediately gets.  
9 Let's take the keyword bank. Now, if I  
10 cluster that, if my companion words for  
11 bank are picnic, boat, river, dock, you get  
12 a keyword meaning from that. In linguists,  
13 we call that the lexical field or the  
14 lexical cluster, so you have a specific  
15 meaning for bank.

16 But what if another author  
17 comes along and they use the word "bank,"  
18 but their companion words are money, ATM,  
19 payday, now, do you have a different  
20 conception of bank? Yes, you have two very  
21 different concepts of bank based on the  
22 cluster, based on the companion words.  
23 That's just well-known.

24 There's a whole theory in  
25 psycholinguistics about, you know, how we

1 DR. CHASKI (9/28/2023)  
2 store words in memory. It's  
3 psychologically real, you know, grounding  
4 to talk about words in this way.

5 So the method really says well,  
6 let's see, do these two authors use these  
7 keywords with a whole lot of the same  
8 companion words or a whole lot of different  
9 companion words. That's why you can tell  
10 if they're the same or different.

11 Q. If I wanted to figure out  
12 whether two authors expressed the same  
13 concept in different ways or similar ways,  
14 would another way to do that be to just  
15 read the books themselves and make a  
16 judgment as the way a reader would?

17 A. Well, yes, it would. That's  
18 doable. And I wouldn't do it that way,  
19 even though I have a degree in psychology  
20 of reading. You know, I would use more  
21 standard linguistics techniques than rely  
22 on my, you know, personal opinion. But I  
23 think that there are people with expertise,  
24 you know, literature professors, writing  
25 coaches, you know, there are people who

1 DR. CHASKI (9/28/2023)  
2 have expertise in this kind of thing, but  
3 I'm not -- I don't put myself out as one of  
4 them, okay.

5 Q. Do you think that ordinary  
6 people on a jury can read two works and  
7 make a judgment about whether the two  
8 authors expressed the same idea or concept  
9 in a similar or different way?

10 MR. DONIGER: Objection.  
11 Incomplete hypothetical. Compound.  
12 Calls for speculation. Lacks  
13 foundation.

14 If you have an answer you can  
15 give, Dr. Chaski, subject to those  
16 objections.

17 A. That sounds to me like  
18 something maybe a jury consultant would  
19 know, but not something that I would know.

20 Q. So --

21 A. A lot of it has to do with like  
22 speaking of a psychology of reading. I  
23 mean, so much goes into reading that we're  
24 -- we bring our own personal experiences to  
25 it, you know, that I'm not sure, I don't



1 DR. CHASKI (9/28/2023)  
2 know about the hypo -- the scenario you  
3 explain.

4 Q. So fair to say what you were  
5 offering -- strike that.

6 You did not -- for any of the  
7 ideas or concepts that you discuss in your  
8 report, you did not read the books  
9 themselves and make a determination of  
10 whether these ideas or concepts were  
11 expressed in a similar way, the same way  
12 someone reading the books for pleasure  
13 would, correct?

14 MR. DONIGER: Objection. Calls  
15 for speculation. Lacks foundation.  
16 Vague and ambiguous.

17 A. Well, I -- as I said before,  
18 when I read the books, I read for data, I  
19 analyze the frequencies of everything. I  
20 analyze the collocations of everything, you  
21 know, what words are occurring with other  
22 words, how much overlap is there between  
23 the two clusters.

24 For instance, in the example of  
25 bank, when I said, you know, picnic, river,

1 DR. CHASKI (9/28/2023)  
2 25 times, that means I've got 25 list, 12  
3 content words on either side of it, and I  
4 have -- and I combine them into one grand  
5 list with only unique words in it and that  
6 gives us an idea how is this person  
7 thinking and expressing the concept alien.

8 Q. So is it fair to say that in  
9 order to avoid trying to make a subjective  
10 judgment about whether the authors were  
11 expressing these -- the same ideas or  
12 concepts similarly, you did what you  
13 believe is an objective statistical and  
14 linguistic analysis of the lexical  
15 clusters, including the 12 content words on  
16 either side of a given keyword?

17 A. I couldn't have said it better  
18 myself. Thank you, Mr. Halperin, that's  
19 exactly what I did.

20 Q. Every once in a while, I get  
21 one right.

22 A. And I wasn't being sarcastic.  
23 I mean I was impressed because you really  
24 do understand what I did.

25 Q. And that was using lemmatized

1 DR. CHASKI (9/28/2023)  
2 weren't in any of the baselines. Well,  
3 then the baselines don't serve any purpose.

4 Q. So -- and you yourself picked  
5 these 35 words, right?

6 A. Yes.

7 Q. These aren't words that someone  
8 else gave to you?

9 A. No.

10 Q. And you picked them based on  
11 reviewing the allegations in the First  
12 Amended Complaint, correct?

13 A. Yes, because my goal was to  
14 test, do these allegations hold water.

15 Q. Okay. Can you explain to me  
16 what your methodology was for picking these  
17 35 words based on the allegations in the  
18 First Amended Complaint?

19 A. So when I read the scenes that  
20 were alleged to be very similar, I knew I  
21 wanted content words. I knew I wanted  
22 content words. I looked at a lot of the  
23 bolded words, because I thought oh, okay,  
24 these are important, and I just wanted to  
25 make sure that I got 30.

1 DR. CHASKI (9/28/2023)

2 A. No. No. That's not in my  
3 report. It's just something that I did do  
4 so that I could verify that I wasn't crazy  
5 for picking these words.

6 Q. So, but that data hasn't been  
7 given to defendants, correct?

8 A. No.

9 Q. And did you do that same  
10 exercise for the four Crave books?

11 A. No, because really what we're  
12 interested in here is are Freeman's  
13 concepts -- are the 35 words out of  
14 Freeman, are they part- -- how do they  
15 compare with Crave and how do they compare  
16 with the baseline.

17 Now, if I'd been asked about  
18 Crave, I obviously would have selected 35  
19 keywords that seemed to be important for  
20 the Crave series.

21 Q. Okay. And I think you said  
22 that based on sorting all the -- sorting  
23 all the content words of BMR by frequency,  
24 you think that the 35 keywords that you  
25 selected, five were among the most

1 DR. CHASKI (9/28/2023)

2 end up with. I want to make sure that my  
3 list contains only types.

4 Q. One thing that she does say, if  
5 you look at page 224, is that her  
6 methodology in this paper is experimental,  
7 correct?

8 A. Right, and then again, it was  
9 presented in 2007 by Coulthard and Johnson  
10 as a done deal.

11 Q. So if I wanted to --

12 A. Maybe by that time, she felt  
13 that it was a done deal.

14 Q. So if you -- if I wanted to --  
15 strike that.

16 So we agree that Dr. Johnson  
17 states in this paper that the methodology  
18 she's using is experimental, correct?

19 MR. DONIGER: The document  
20 speaks for itself.

21 Q. Let's just read it.

22 MR. DONIGER: Asked and  
23 answered.

24 Q. Let's just read it on page 224.  
25 It says, "Whilst this method of analysis is

1 DR. CHASKI (9/28/2023)  
2 experimental, it does contribute usefully  
3 to the investigation carried out into this  
4 case of plagiarism. It represents an  
5 investigative approach to text and applies  
6 a number of methods, which readers may want  
7 to experiment with themselves."

8 Did I read that --

9 A. And I think it's important to  
10 note that this was part of her dissertation  
11 and it was 1997, and she was using, you  
12 know, unpublished software that was at  
13 Professor Coulthard's department. So yes,  
14 I'm not surprised that she used this kind  
15 of -- you know, this is the -- this is  
16 academic -- well, like legalese, this is  
17 academes.

18 MR. HALPERIN: Move to strike  
19 as non-responsive.

20 Q. My question was did I read that  
21 correctly?

22 A. Yes.

23 Q. And then the next sentence  
24 says --

25 A. -- is the issue.

1 DR. CHASKI (9/28/2023)

2 Q. Just all I asked was did I read  
3 that correctly.

4 "The programs were not  
5 originally developed to investigate  
6 plagiarism. In fact, I am using them in my  
7 doctoral research for the analysis of  
8 interview texts."

9 Did I read that correctly?

10 A. Where are you?

11 Q. I'm in the next paragraph, the  
12 second paragraph of page 224.

13 A. Um-hmm. Yes. You read that,  
14 the first two sentences correctly.

15 Q. Okay. Now, and if I wanted to  
16 go and see whether the experimental method  
17 that Dr. Johnson discusses in her 1997  
18 paper was later adopted by the body of  
19 forensic linguists, you would direct me to  
20 Coulthard and Johnson 2007, correct?

21 A. Yes, but I would also say that  
22 while her work is known within forensic  
23 linguistics, there's a lot more work that  
24 some forensic linguists don't know about  
25 obviously, but uses the same ideas of

1 DR. CHASKI (9/28/2023)  
2 sure that the algorithm is working  
3 probably, and it is. It's a co-sign  
4 similarity of one.

5 Now, we want to see, well, how  
6 about Freeman and these baseline novels,  
7 are they different? And they are. So if  
8 you look at page 120, for the keyword  
9 accident, Freeman and Wolff have together  
10 combined, they get a similarity score of  
11 one, but look how different Freeman  
12 combined with Noel is or Freeman combined  
13 with Pike. Everybody else is different.

14 Q. And this as the co-sign, this  
15 annex is the co-sign similarity scores for  
16 all 35 of the your keywords?

17 A. Yes.

18 Q. If no co-sign similarity score  
19 is presented for a given keyword, does that  
20 mean that the keyword did not appear in the  
21 book?

22 A. Yes.

23 Q. So let's look at the next page,  
24 which is the results for the --

25 A. Alaska.



1 DR. CHASKI (9/28/2023)

2 Q. -- Alaska. So based on that,  
3 Alaska only appeared in two out of ten of  
4 your baseline novels, correct?

5 A. Yes, that's right. Kami Garcia  
6 and Stephanie Meyer talked about Alaska, as  
7 did Freeman and Wolff.

8 Q. And if we go forward to Aurora,  
9 which is on page 5 of the annex.

10 A. Right.

11 Q. That word appeared in zero of  
12 your baseline novels, right?

13 A. Right. So that was one of the  
14 reasons I wanted to have more than 30,  
15 okay, and also why, when I did the  
16 statistical analysis of the binomial  
17 probability, I said well, let's just get  
18 rid of that keyword. We don't have to use  
19 it. We can say how many times out of 35.  
20 We'll get rid of Aurora, and say, well, how  
21 many times out of 34.

22 Q. All right.

23 A. What's interesting is that --  
24 it is interesting though that -- isn't it  
25 interesting, in my opinion, it is, that

1 DR. CHASKI (9/28/2023)  
2 these would show up in Wolff and Freeman,  
3 Aurora, but not in the ten baseline novels.  
4 So the Freeman and Wolff books are  
5 different from the baseline novels and  
6 similar to each other.

7 Q. So the fact that both Freeman  
8 and Wolff use the word "Aurora" and the ten  
9 baseline novels did not, is that in and of  
10 itself is evidentially significant to you?

11 A. Yes, because it shows that  
12 these books were different from the  
13 baseline, but similar to each other.

14 Q. You can base that --

15 A. I wouldn't say that's the whole  
16 thing. I mean, obviously, I'm -- I go on  
17 to do the whole binomial, because I want to  
18 know, well, if I've got 35 keywords, how  
19 many times is this similarity between Wolff  
20 and Freeman happening.

21 Q. Okay. But you can't analyze  
22 the overlap of lexical clusters if the  
23 other works that you're comparing this to  
24 don't have the lexical cluster, correct?

25 A. Right. So I said the -- no,

1 DR. CHASKI (9/28/2023)  
2 you are a representative sample of the  
3 genre?

4 A. I would say just based on the  
5 -- that these ten baseline novels, you  
6 know, meet the criteria of being in a  
7 genre, having high quality, having good  
8 quantity.

9 Q. If you had used different  
10 novels than the ten that Mr. Doniger gave  
11 you, you might have gotten different  
12 results, correct?

13 A. Oh, yes, that's possible.

14 MR. DONIGER: Calls for  
15 speculation. Lacks foundation.  
16 Incomplete hypothetical.

17 Q. And at the same time, if you  
18 had used different keywords than the 35  
19 that you selected based on the allegations  
20 in the Complaint, you might have gotten  
21 different results, correct?

22 MR. DONIGER: Calls for  
23 speculation. Lacks foundation.

24 A. I might have, but I think that  
25 you can't -- the problem is the -- getting

1 DR. CHASKI (9/28/2023)  
2 maybe they're not going to occur in the  
3 baseline. And then they tell us something  
4 interesting, oh, these -- these -- these  
5 are peculiar, they're indicative of  
6 Freeman --

7 Q. Do you think --

8 A. But I wanted to have enough  
9 that I got a lot of words that did occur.  
10 So you'll see that it -- most of the words  
11 do occur in over half of the baseline  
12 novels.

13 Q. Do you think it's -- it  
14 indicates something peculiar about Freeman,  
15 that she used the word "mutation" and the  
16 ten baseline novels did not?

17 A. Yeah, she was obviously on the  
18 cutting edge of something new, because she  
19 wasn't -- she wasn't -- she was using  
20 terminology in a genre that wasn't using  
21 it.

22 Q. So do you think that the fact  
23 that both Tracy Wolff and Lynne Freeman  
24 used the word "mutation" is evidence that  
25 Tracy Wolff committed conceptual

1 DR. CHASKI (9/28/2023)

2 plagiarism?

3 A. It is interesting that these  
4 two novelists would use a term that's so  
5 rare in the baseline vocabulary, you know,  
6 or the baseline -- even the themes that --  
7 but nobody is talking about that, and yet  
8 here they are talking about aliens and  
9 talking about vampires, and nobody is  
10 saying mutation.

11 Q. Do you know how many -- how  
12 many books have used the word "mutation"  
13 according to Google Books?

14 A. No, I'm sure thousands of  
15 chemistry and biology textbooks use it and  
16 that's one of the problems with, you know,  
17 using Google Books as a baseline is that  
18 you're not -- you're not getting the right  
19 kinds -- you're not controlling for genre,  
20 for fiction, for -- you know, you're just  
21 getting everything.

22 Q. But you don't know how many  
23 books in the YA paranormal romance genre  
24 use the word "mutation," correct?

25 A. No, I don't have a database of

1 DR. CHASKI (9/28/2023)

2 all the books in the world that are in this  
3 genre.

4 Q. I believe we agreed before that  
5 there are 1.5 million words collectively in  
6 BMR and the four Crave books you looked  
7 at --

8 A. Yes.

9 Q. -- if you consider all  
10 versions, right --

11 A. Yes.

12 Q. -- will agree 1.5 million?

13 A. 1.5 tokens.

14 Q. Tokens, okay.

15 Do you know how many of those  
16 are content words?

17 A. Yes. I think about around  
18 130,000 which just goes to show that most  
19 of language is made up of function words.

20 Q. All right. And you looked at  
21 35 out of 130,000 content words in the  
22 corpus that you looked at?

23 A. Yes.

24 Q. Can you tell me what  
25 percentage that --

1 DR. CHASKI (9/28/2023)

2 A. Oh, it's a small percentage.

3 Q. Can you do the math and tell me  
4 what percentage --

5 A. No, I can't do the math in my  
6 head. I mean, it is a small percentage, I  
7 recognize that.

8 Q. Would you dispute that my  
9 calculator says -- I'll show it to you --  
10 0.00026923?

11 A. Okay. Okay. Yes.

12 Q. If we convert that to a  
13 percentage, I think I have to remove two  
14 zeros, so that would make it .026 percent,  
15 right?

16 A. Right.

17 Q. I think -- I think I probably  
18 have maybe one more set of questions, not  
19 to guarantee that, but I would suggest  
20 that, like, we take a ten-minute break, so  
21 can we go off the record for ten minutes.

22 A. Great.

23 THE VIDEOGRAPHER: The time is  
24 4:49 p.m. We're going off the  
25 record.

1 DR. CHASKI (9/28/2023)  
2 possibility that the words in a row are of  
3 linguistic formula.

4 "Thank you very much for your  
5 prompt attention." I mean, that's not  
6 going to get you to authorship, because it  
7 is so common that it's actually a  
8 linguistic formula. But the good thing  
9 about doing six words in a row is that  
10 linguistic formula are typically very  
11 short, so that, you know, you could see  
12 them immediately. And you can get to  
13 longer strings in a row because the longer  
14 words in a row will be adjacent six in a  
15 row.

16 So if you're looking for a  
17 ten-word in a row, you really have it when  
18 you have two adjacent words in a row of  
19 six, right, you know, because you've got  
20 the first six and then the next four.

21 Q. You just gave the example  
22 "thank you very much" -- "thank you very  
23 much for your prompt attention," eight  
24 words, correct?

25 A. Right.



1 DR. CHASKI (9/28/2023)

2 Q. But if two authors use that  
3 phrase, you wouldn't find it to be evidence  
4 of textual borrowing because it's a very  
5 common phrase?

6 A. Right, especially if they were  
7 writing letters.

8 Q. Two authors, I will give you a  
9 five-word example even though we've been  
10 talking about six.

11 A. Right.

12 Q. Two authors use the phrase "who  
13 let the dogs out"?

14 A. Right.

15 Q. You wouldn't consider that  
16 evidentiary significant?

17 A. No, probably not. I would  
18 think that's pretty much become formulaic  
19 in our -- in American English now.

20 Q. Have you empirically tested the  
21 methodology that you used for conceptual  
22 plagiarism to determine how accurate it is?

23 A. Yes, and I report those results  
24 in the report.

25 Q. Where is that reported in the

1 DR. CHASKI (9/28/2023)  
2 conceptualizing these keywords the same  
3 way.

4 If there's low overlap, that  
5 means well, no, they're different from each  
6 other. Okay. So when we have these four  
7 from the baseline and we know the baseline  
8 couldn't have plagiarized because they  
9 published before Freeman and Wolff, okay,  
10 so that could be counted as an error. So  
11 that says, wow, you know, that's really  
12 low.

13 Q. So I asked you if you had  
14 empirically tested your methodology to  
15 determine how accurate it is and if I'm  
16 understanding correctly what you're saying  
17 is the empirical testing to determine an  
18 error rate for methodology is actually  
19 built into the methodology itself because  
20 you're considering the ten baseline  
21 authors --

22 A. Yes. Yes. That's why you have  
23 to have the baseline authors in there. And  
24 also, I mean, I gave a talk about this to  
25 the American Academy of Forensic Sciences a

1 DR. CHASKI (9/28/2023)  
2 couple years ago, that really you want your  
3 method to have an error rate for that  
4 particular case and that particular data,  
5 not just an error rate in, you know, well,  
6 it's always right, you know, or it's five  
7 percent or whatever. I mean, you really  
8 want your methods to show the error rate in  
9 the case, so that you can judge that case  
10 fairly.

11 Q. I believe -- so we've talked  
12 about Olsson and he identified, I think,  
13 three cases of known plagiarism. There was  
14 the Helen Keller example and the Martin  
15 Luther King example and I'm sure you  
16 yourself have uncovered many, many  
17 instances of plagiarism in your career  
18 where nobody seriously contest it, correct?

19 A. I wouldn't say many, many, but  
20 enough, okay.

21 Q. So one thing you could have  
22 done to test your methodology is you could  
23 have taken two works where we know there  
24 was plagiarism where either because it's  
25 reflected in the literature or because

1 DR. CHASKI (9/28/2023)  
2 nobody seriously contests it and you could  
3 have made one of those the suspect work and  
4 one of those, the target work, and you  
5 could have taken ten different baselines  
6 and you could have run an experiment to see  
7 how accurate is my method at actually  
8 picking up plagiarism based on this case of  
9 known plagiarism, that's something that  
10 could have been done, right?

11 A. Yes. If I had had time, I  
12 definitely would have done that and I'm  
13 actually working on that right now. I  
14 mean, that's -- I have 11 researchers at my  
15 institute and we're working on all kinds of  
16 cool things, that included.

17 Q. And that would be actually a  
18 great example of what you call ground truth  
19 data, right, because it's a case of known  
20 plagiarism?

21 A. Well, one of the big problems  
22 with plagiarism is actually getting ground  
23 truth data. It's really -- you know, you'd  
24 have to have ten baseline plagiarisms, not  
25 just -- and they'd have to be in the same

1 DR. CHASKI (9/28/2023)  
2 genre, okay. You know, so it's getting  
3 harder and harder to find the data that is  
4 realistic and really ground truth.

5 But in the case, we know that  
6 the method should not tell us that one of  
7 these non-plagiarizing authors is too close  
8 to Freeman, right, we know that, that's  
9 their ground truth.

10 Q. Okay. So -- but finding real  
11 ground truth data and plagiarism  
12 investigation is hard, you would need at  
13 least ten examples of known plagiarists?

14 A. Well, yeah, or 11, right, you  
15 know, you'd have to have the target and the  
16 suspect and then you'd have to have the  
17 baseline ones. And those baseline ones  
18 should have all plagiarized, you know,  
19 something similar.

20 Q. And you here did not test your  
21 methodology against 10 or 11 cases of known  
22 plagiarism to figure out an accuracy rate?

23 A. What I did here was I tested  
24 against ten cases of non-plagiarism, right,  
25 because the baseline we know didn't

1 DR. CHASKI (9/28/2023)  
2 plagiarize. So it's testing it against ten  
3 cases of non-plagiarism, which is just as  
4 good and better in a way than testing  
5 against plagiarism, because we can't be  
6 sure, right. Non-plagiarism, we can know  
7 that they did not plagiarize Freeman.

8 Q. I mean, to be fair, to really  
9 do a test against known cases of  
10 non-plagiarism, to test your whole  
11 methodology, right, not just part of it,  
12 against a case of known non-plagiarism,  
13 what you would have to do is you would have  
14 to take one of those non-plagiarized works  
15 and make that your target work and then  
16 another one your suspect work and then you  
17 would have to come up with 35 keywords  
18 based on the target work, and then you'd  
19 have to compare it to ten other baseline  
20 authors, right?

21 A. Yes, and that can all be done.

22 Q. But you did not do that for  
23 this analysis?

24 A. I didn't do it for this report  
25 because of time constraints, but it's being

1 DR. CHASKI (9/28/2023)

2 done.

3 Q. That is something you would do  
4 if you were going to publish this  
5 methodology, right?

6 A. Yes.

7 Q. Have you published this  
8 specific methodology that you've used in  
9 this case?

10 A. Well, I have a book coming out  
11 on methods and it's in there.

12 Q. When's your book coming out?

13 A. I hope first quarter of next  
14 year, if I can't get it out last quarter of  
15 this year.

16 Q. Do you have a current draft of  
17 that book written?

18 A. Well, it's in rough form.

19 Q. Okay. I take it you wouldn't  
20 be able to -- willing to share?

21 A. No, I don't consider it  
22 shareable. It's rough form. It's like --

23 Q. Okay. No. No. Fair enough.  
24 I wouldn't want anybody to see my rough  
25 drafts either.

1 DR. CHASKI (9/28/2023)

2 entre into the young adult genre.

3 Q. If Tracy Wolff has other books  
4 that are in the young adult genre, you  
5 could have used one of those books to test  
6 your methodology, right?

7 A. You mean as either suspect or  
8 target or?

9 Q. Either suspect or target.

10 A. Well, I would have to have a  
11 whole new baseline, right, I mean, because  
12 you're saying -- has she written? I don't  
13 know. I mean, I'm asking this sincerely,  
14 like, has they written other young adult  
15 novels that this set of baselines would be  
16 a good baseline for; that's what I'd have  
17 to know, okay.

18 Q. But hypothetically, if she had,  
19 that's something used in your -- to test  
20 your methodology by putting that in as the  
21 target or the suspect book, right?

22 A. No, I might -- maybe I would  
23 have put her in as a baseline.

24 Q. You could have -- you could  
25 have used it?



1 DR. CHASKI (9/28/2023)

2 A. Right. And you know, she  
3 should be closer to herself all the  
4 sometime.

5 Q. But you haven't done that sort  
6 of testing of your methodology?

7 A. No. As far as I know, the data  
8 is hypothetical.

9 Q. All right. Is it fair to say  
10 that you have a lot of experience  
11 attempting to detect plagiarism in your  
12 career?

13 A. Well, I was a high school  
14 English teacher. I thought middle school  
15 English. I taught college composition. I  
16 -- I was a professor.

17 Q. Is it --

18 A. So I think that I -- I think  
19 that I've spotted, you know, academic  
20 plagiarism plenty. I have worked on cases  
21 that didn't go to trial, by the way, having  
22 to do with other plagiarism of other novels  
23 and plagiarism regarding dissertations.

24 Q. So you have, prior to this  
25 case, attempted to detect plagiarism in

1 DR. CHASKI (9/28/2023)

2 novel length books?

3 A. Yes.

4 Q. And did you use the exact same  
5 methodology you're using here to do that?

6 A. No, because the writers were  
7 both very unsophisticated and, you know, it  
8 was smoking guns on six words in a row,  
9 that kind of thing.

10 Q. So this is the first case where  
11 you've used the conceptual plagiarism  
12 methodology that you're using here to  
13 attempt to detect conceptual plagiarism in  
14 two novel length works, fair?

15 A. Yes. Yes. My first case, but  
16 it's in the literature.

17 Q. Did you develop your particular  
18 approach to conceptual plagiarism  
19 specifically as part of your work for this  
20 case?

21 A. No, because I was toying with  
22 it. That was why it was an interesting  
23 case to take.

24 Q. But if I wanted to find where  
25 you have published your specific conceptual

1 DR. CHASKI (9/28/2023)  
2 plagiarism methodology, I would have to  
3 look at your forthcoming book that isn't  
4 ready to share yet, right?

5 A. That's right. That's right.

6 Q. So what are some of the other  
7 context where you detected plagiarism  
8 besides in novel length books?

9 A. Well, as I mentioned, you know,  
10 academic plagiarism, these young writers, I  
11 guess those are novels. So you're  
12 interested in not novels?

13 Q. Yes, outside -- outside of  
14 novels.

15 A. Yeah. Academic context.  
16 Judicial rulings, that's right, yes. So  
17 with regard to judicial rulings, where  
18 people claim that a judge plagiarized from  
19 one the party's briefs rather than writing  
20 his own brief, that kind of thing.

21 Q. And you didn't use the same  
22 methodology you used here because they were  
23 different contexts, right?

24 A. Well, also, it's really hard to  
25 get baselines for judicial rulings because

1 DR. CHASKI (9/28/2023)

2 as you know, judges often use clerks and so  
3 when you're trying to, you know, look at --  
4 compare rulings, it's easy to compare  
5 rulings to the parties' briefs, but it's  
6 really hard to get a baseline because you  
7 don't know whether the clerk was writing  
8 for the judge at that time or was it a  
9 different clerk, was it the same clerk.

10 So it's really hard in that  
11 environment to do this kind of work with  
12 a -- now, Alison Johnson had as her control  
13 or baseline, you know, she had essays that  
14 the professors had ruled as  
15 non-plagiarized. You know, so she -- I  
16 used the control group -- she used -- she  
17 called it control group. I call it  
18 baseline. Again, different terminology for  
19 the same thing.

20 But she had, like, essays that  
21 the professors had said were not  
22 plagiarized and she could use that as her  
23 control.

24 Q. Based on all your experience  
25 detecting plagiarism throughout your

1 DR. CHASKI (9/28/2023)  
2 references in footnote 22, they are all  
3 using overlap as a way to measure  
4 similarity between text.

5 Even in the -- even in the  
6 n-gram analysis group, people use  
7 overlapping n-grams as a measure of  
8 similarity between different texts.

9 Now, a. and b. are simply  
10 explaining what it means to have high  
11 overlap and what it means to have low  
12 overlap.

13 Q. I believe earlier you said that  
14 -- I think you said that one of the good  
15 things about your methodology is that the  
16 empirical testing to ascertain an error  
17 rate is baked into the methods because you  
18 were testing against the base -- the ten  
19 baseline authors; was that fair?

20 A. Yes.

21 Q. What empirical testing did you  
22 do apart from your analysis in this case?

23 A. In this case, I did no other  
24 empirical testing than what I reported,  
25 except for the three that

1 DR. CHASKI (9/28/2023)

2 Professor Coulthard just gave me, I did  
3 them, the three new words he wanted to add  
4 to it.

5 Q. Before you got involved in this  
6 case, did you empirically test your  
7 methodology against either known cases of  
8 plagiarism or known cases of  
9 non-plagiarism?

10 A. Well, we did a study one time  
11 on a -- one a set of -- a dissertation that  
12 was accused of plagiarism. It was quite  
13 long. And the biggest problem was having  
14 the -- who's going to give dissertations  
15 and say, well, yeah, I plagiarized mine,  
16 too, here's one, you know, so that was a  
17 problem.

18 And the other issue is that it  
19 was highly technical, which meant that  
20 everybody basically used the keyword  
21 clusters in the same way, because when  
22 you're talking about a scientific invention  
23 or a scientific procedure, you must use the  
24 same words.

25 Q. So apart from this -- what you

1 DR. CHASKI (9/28/2023)  
2 did for this case, the testing you can  
3 refer me to is that time you analyzed the  
4 dissertation and it was problematic because  
5 of the nature of the work that you were --

6 A. Yeah. Yeah. This kind of  
7 thing works well. You're doing literature  
8 or philosophical, you know, but for highly  
9 technical language, it -- it doesn't really  
10 work, because people don't synonyms in  
11 highly technical -- they have to use the  
12 jargon of the field.

13 Q. And you didn't publish that  
14 testing via the dissertation that you just  
15 described?

16 A. No. It was a private case and  
17 I didn't publish it and I basically told  
18 the client I don't think I could do this.  
19 You know, we -- we could run n-grams, but  
20 even there, we have to be careful because  
21 technical language will overlap.

22 Q. Okay. I'm ready to turn to, I  
23 think, my last set of questions now. Would  
24 you like a short break before we do it or  
25 should we just get into it?

1 DR. CHASKI (9/28/2023)

2 A. Let's go.

3 Q. All right.

4 MR. HALPERIN: Steve, is that  
5 okay with you?

6 MR. DONIGER: Let's go.

7 MR. HALPERIN: All right.

8 Q. So I just want to ask some  
9 questions about your qualifications section  
10 in your report, please. So let's look at  
11 paragraph 23. Let me know when you're  
12 there.

13 A. Okay.

14 Q. So there you mention that you  
15 founded ALIAS Technology LLC in 2007,  
16 correct?

17 A. Yes.

18 Q. And that's your company?

19 A. Yes.

20 Q. And you use your own  
21 proprietary software, which is called ALIAS  
22 TATTLER, T-A-T-T-L-E-R, correct?

23 A. Yes. Yes.

24 Q. All right. What percentage of  
25 the work that ALIAS Technology does is for



1 DR. CHASKI (9/28/2023)

2 litigation?

3 A. I would say probably about 50  
4 percent. We do a lot of research for  
5 people and we -- we have a our sister  
6 organization, Institute For Linguistic  
7 Evidence, which I founded in 1998, works  
8 with ALIAS on research projects.

9 Q. Can you ballpark the percentage  
10 of income that you receive from expert  
11 witness work and litigation?

12 A. I'm sorry. Of -- in what year  
13 or what are you talking about, like?

14 Q. Okay. In a given year, for  
15 your own income, can you ballpark what  
16 percentage of income is from expert witness  
17 work in litigation?

18 MR. DONIGER: Vague and  
19 ambiguous as to given year.  
20 Essentially overbroad.

21 A. Well, it really does depend on  
22 the year, and I would say from -- for --  
23 you know, on average, for most years, it's  
24 probably 50 percent of my income.

25 Q. Do you typically work for

1 DR. CHASKI (9/28/2023)  
2 consulting starts on -- it would be page 50  
3 of my report.

4 Q. Let me just say, you list a lot  
5 of previous cases in your CV, correct?

6 A. Right. I don't list all of  
7 them because some of them, I'm under, you  
8 know, nondisclosure agreements forever and  
9 sometimes the cases are more like a  
10 research project for the client where they  
11 just want to know something and they have  
12 no intention of going to trial or anything  
13 like that.

14 Q. Why don't you just take a look,  
15 do a scan of it and let me know if you can  
16 identify any cases in your CV that involved  
17 allegations of copyright infringement  
18 besides the Mowry case, which is discussed  
19 in your report, and Mowry is spelled  
20 M-O-W-R-Y.

21 A. Yes.

22 MR. DONIGER: Again, object as  
23 potentially calling for speculation.  
24 Lacking foundation of this deponent  
25 to know what the allegations in each

1 DR. CHASKI (9/28/2023)

2 case were.

3 A. Yeah, because I will know, you  
4 know, what my job is and not necessarily --  
5 what was interesting in the Mowry case is  
6 that I never knew it was about copyright  
7 infringement until later.

8 Q. Let me -- let me strike and  
9 rephrase then if that's okay, because I  
10 think Steve raised a fair objection. And  
11 say out of all the cases in your CV, can  
12 you identify -- which ones can you identify  
13 besides the Mowry case that involved  
14 allegations of plagiarism?

15 A. Oh, okay, and we're using  
16 plagiarism in the sense that we defined it  
17 earlier as textual similarity, not  
18 authorship, correct?

19 Q. Correct.

20 A. Okay.

21 Q. I think the definition you gave  
22 earlier was textual similarity without  
23 citing the original source.

24 A. Right. So in the -- this was a  
25 -- in -- I got to find it, sorry, keep --

1 DR. CHASKI (9/28/2023)  
2 okay. So in 2002, I was contacted by Art  
3 Science Research Laboratory about the World  
4 Trade Center Living History Project and  
5 plagiarism in Langewiesche's American  
6 Ground, and I was called in, you know, sort  
7 of to verify Olsson's analysis, and it was  
8 really obvious plagiarism. I mean, it did  
9 not require conceptual plagiarism. It  
10 didn't even require mosaic plagiarism. It  
11 was, like, verbatim word-for-word.

12 Q. So fair to say in that instance  
13 in 2022, you did not use the same  
14 methodology you used here?

15 A. No.

16 Q. Maybe I can shortcut this and  
17 say out of all the cases you list in your  
18 CV, I think that starts on page 3 of the CV  
19 and then goes several pages longer to page  
20 14 of the CV, fair to say you didn't use  
21 the specific methodology you used in this  
22 case in any of those prior cases?

23 A. Right. Because I'll actually  
24 say, right, on the -- on the CV, case  
25 involving trademark similarity, case

1 DR. CHASKI (9/28/2023)

2 MR. DONIGER: Ben, the top of  
3 13, you'll see where it says World  
4 Trade Center Living History Project,  
5 you see that?

6 MR. HALPERIN: Okay.

7 MR. DONIGER: Read the next  
8 line.

9 MR. HALPERIN: I see it now. I  
10 was confused because the heading for  
11 it starts on the previous page as I  
12 think Dr. Chaski pointed out.

13 Q. So you did not in that 2002  
14 case for Art Science Research Laboratory,  
15 you did not use the methodology you used in  
16 in case, correct?

17 A. No, I was verifying what John  
18 Olsson had already done and he had already  
19 done a good n-gram analysis that made it  
20 quite clear that there were too many  
21 n-grams in a row.

22 Q. You tailored your methodology  
23 specifically to this case in light of the  
24 works at issue and sophistication of the  
25 authors, fair?

1 DR. CHASKI (9/28/2023)

2 MR. DONIGER: Vague and  
3 ambiguous as to tailored.

4 A. Yes.

5 MR. DONIGER: Go ahead.

6 A. Yeah, I disagree with tailored  
7 too. I would say that, you know, you don't  
8 bring a hammer when you're trying to screw  
9 something together. You don't bring a  
10 screwdriver when you're trying to get nails  
11 in something. You bring the methods that  
12 are most appropriate.

13 Q. So maybe we can do it without  
14 the word tailored. You formulated your  
15 specific methodology particularly --  
16 specifically for this case in light of the  
17 sophistication of the authors and the  
18 particular works at issue, correct?

19 A. Yes, I looked at all three ways  
20 of what we know of, of solving plagiarism,  
21 words in a row, mosaic, and conceptual.

22 MR. HALPERIN: I have no  
23 further questions.

24 MR. DONIGER: Nothing further  
25 here.

DR. CHASKI (9/28/2023)

J U R A T

I, CAROLE E. CHASKI, Ph.D., do  
hereby certify under penalty of  
perjury that I have read the  
foregoing transcript of my deposition  
taken on September 28, 2023; that I  
have made such corrections as appear  
noted herein in ink, initialed by me;  
that my testimony as contained  
herein, as corrected, is true and  
correct.

CAROLE E. CHASKI, Ph.D.

Subscribed and sworn to before me

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

NOTARY PUBLIC

DR. CHASKI (9/28/2023)

C E R T I F I C A T E

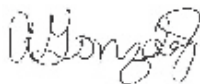
STATE OF NEW YORK )  
COUNTY OF RICHMOND ) : SS.:

I, AYLETTE GONZALEZ, a Notary  
Public for and within the State of New  
York, do hereby certify:

That the witness, CAROLE E.  
CHASKI, Ph.D., whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or by marriage and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 7th day of  
October, 2023.



AYLETTE GONZALEZ